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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARAH AMY FARAH WADE,
Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

No. 1:22-CV-00752 (BAM)

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR AWARD AND PAYMENT
OF ATTORNEYS FEES AND COSTS
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT (28 U.S.C. §§2412(d))**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Sarah Amy Farah Wade (“Plaintiff”) be awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the amount of four thousand seven hundred and twenty-two dollars and fifty cents (\$4,722.50) and associated costs in the amount of four hundred and two dollars and zero cents (\$402.00). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments made shall be delivered to Plaintiff’s counsel.

This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees and expenses in connection with this action.

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This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the savings clause provisions of the EAJA.

Dated: July 10, 2023

Respectfully submitted,
NEWEL LAW

By: Melissa Newel
Melissa Newel
Attorney for Plaintiff
SARAH AMY FARAH WADE

Dated: July 10, 2023

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

By: Oscar Gonzalez
OSCAR GONZALEZ
(*Authorized by email dated 07/07/2023)
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Based on the parties' stipulation, IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of **four thousand seven hundred twenty-two dollars and fifty cents (\$4,722.50)** and costs in the amount of **four hundred two dollars and zero cents (\$402)** be awarded subject to the terms of the Stipulation. IT IS SO ORDERED.

Dated: July 11, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE